

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

RAS Citron, LLC
Authorized Agent for Secured Creditor
130 Clinton Road, Lobby B, Suite 202
Fairfield, NJ 07004
Telephone: 973-575-0707
Facsimile: 973-404-8886

Laura Eggerman, Esq. (LE-8250)

In Re:

Pedro A. Viera,

Debtor.



Order Filed on May 9, 2019 by
Clerk, U.S. Bankruptcy Court -
District of New Jersey

Case No.: 18-24470-SLM

Chapter: 13

Hearing Date: ~~April 24, 2019~~
May 8, 2019

Judge: Stacey L. Meisel

**AGREED ORDER RESOLVING SECURED CREDITOR'S MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: May 9, 2019

A handwritten signature in cursive script, reading "Stacey L. Meisel".
Honorable Stacey L. Meisel
United States Bankruptcy Judge

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Secured Creditor: Wilmington Trust, National Association, not in its individual capacity but solely as successor trustee to Citibank, N.A. as Trustee to Lehman XS Trust Mortgage Pass-Through Certificates, Series 2006- 17

Secured Creditor's Counsel: RAS Citron, LLC

Debtors' Counsel: Joshua Humphries

Property Involved ("Collateral"): 272 Kearney Street Paterson, New Jersey 07522

Relief sought:

- ☒ Motion for relief from the automatic stay
- ☐ Motion to dismiss
- ☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Secured Creditor's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:
- ☐ The Debtor is overdue for 4 months from 01/01/2019 through 04/01/2019.
- ☐ The Debtor is overdue for 4 payments from 01/01/2019 through 04/01/2019 at \$1,878.05 per month.
- ☐ The Debtor is assessed for _____ late charges at \$ _____ per month.

Funds Held In Suspense \$0.00.

Total Arrearages Due \$7,512.20.

2. Debtor must cure all post-petition arrearages, as follows:

■ Beginning on 05/01/2019, regular monthly mortgage payments shall continue to be made in the amount of \$1,878.05.

■ The amount of \$7,512.20 shall be capitalized in the Debtor's Chapter 13 plan. Debtor must file an Amended Plan, and Schedules I and J within fifteen (15) days of the entry of this Order. The debtor's monthly payment to the Chapter 13 Trustee will be modified to an amount necessary to appropriately fund the plan in accordance with this order

☐ This Order is incorporated into any Order confirming the plan. The Trustee is to pay the arrears identified in this Order.

3. Payments to the Secured Creditor shall be made to the following address(es):

■ Regular monthly payment: Nationstar Mortgage LLC
ATTN: Bankruptcy Dept
PO Box 619094
Dallas, Texas 75261-9741

□ Monthly cure payment: _____

4. In the event of Default:

■ Should the Debtor(s) fail to make any of the above captioned payments, or if any regular monthly mortgage payment should become more than thirty (30) days late or if Debtor(s) fails to comply with any terms of this Consent Order, counsel shall file a Certification of Default with the Court. A copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ In the event the Debtor(s) convert(s) to a Chapter 7 during the pendency of this bankruptcy case, the Debtor(s) shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, Chapter 7 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

■ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay. Debtor shall pay \$200.00 for each notice of default issued by Secured Creditor as a result of the Debtor's failure to comply with this Consent Order.

5. Award of Attorneys' Fees:


- ☒ The Applicant is awarded attorney fees of \$350.00 and costs of \$181.00.


The fees and costs are payable:

- ☒ Through the Chapter 13 plan.
☐ To the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

The undersigned hereby consent to the form and entry of the foregoing order.


Joshua Humphries
Attorney for Debtor(s)
Date: 4/25/19


Laura Egernan, Esq.
Attorney for Secured Creditor
Date: 05.03.2019

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Pedro A. Viera
Debtor

Case No. 18-24470-SLM
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: May 10, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 12, 2019.

db +Pedro A. Viera, 272 Kearney Street, Paterson, NJ 07522-1922

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 12, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 10, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Jeanette F. Frankenberg on behalf of Creditor Nationstar Mortgage LLC as servicing agent for
Wilmington Trust, National Association, not in its individual capacity but solely as successor
trustee to Citibank, N.A. as Trustee to Lehman XS Trust Mo cmecf@sternlav.com
Jeanette F. Frankenberg on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper as
servicing agent for Wilmington Trust, National Association, not in its individual capacity but
solely as successor trustee to Citibank, N.A. as Trustee to L cmecf@sternlav.com
Joshua Humphries on behalf of Debtor Pedro A. Viera jhumphries@keaveneylegalgroup.com,
jdjay@keaveneylegalgroup.com;r46514@notify.bestcase.com
Kevin Gordon McDonald on behalf of Creditor Toyota Motor Credit Corporation
kmcDonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Kevin M. BATTERY on behalf of Creditor WILMINGTON TRUST NATIONAL ASSOCIATION NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS SUCCESSOR TRUSTEE TO CITIBANK N.A. AS TRUSTEE TO LEHMAN XS
TRUST MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-17 bkyefile@rasflaw.com
Laura M. Egerman on behalf of Creditor WILMINGTON TRUST NATIONAL ASSOCIATION NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS SUCCESSOR TRUSTEE TO CITIBANK N.A. AS TRUSTEE TO LEHMAN XS
TRUST MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-17 bkyecf@rasflaw.com,
bkyecf@rasflaw.com;legerman@rasnj.com
Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation
rsolarz@kmlawgroup.com
Sindi Mncina on behalf of Creditor WILMINGTON TRUST NATIONAL ASSOCIATION NOT IN ITS
INDIVIDUAL CAPACITY BUT SOLELY AS SUCCESSOR TRUSTEE TO CITIBANK N.A. AS TRUSTEE TO LEHMAN XS
TRUST MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2006-17 smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11